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NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NUMBER: 499-737

DIVISION: D

J. ROBERT WOOLEY, AS ACTING COMMISSIONER OF INSURANCE
FOR THE STATE OF LOUISIANA

VERSUS

AMCARE HEALTH PLANS OF LOUISIANA, INC.

**STATE
FILED**

FILED: _____

DEPUTY CLERK

EMERGENCY MOTION TO CANCEL ALL CERTIFICATES OF COVERAGE,
SUBSCRIBER AGREEMENTS, MEMBER AGREEMENTS AND/OR POLICIES AND
PERMITTING THE TRANSFER OF AMCARE BUSINESS

NOW INTO COURT through undersigned counsel comes J. Robert Wooley, Acting Commissioner of Insurance for the State of Louisiana (the "Commissioner") as Rehabilitator of AmCare Health Plans of Louisiana, Inc., who moves this Court to enter an order canceling all certificates of coverage, subscriber agreements, member agreements and/or policies of insurance issued by AmCare Health Plans of Louisiana, Inc. ("AmCare") effective at 12:00 p.m. (midnight) on September 30, 2002, and permitting the transfer of AmCare business to a viable carrier, if possible and at the discretion of the Commissioner, for the reasons set forth in the memorandum in support of this motion, which is attached hereto and incorporated herein.

Because of the lack of funds available to pay the claims of AmCare members, subscribers, enrollees, and policyholders, mover requests that this motion be heard on an expedited basis in order to give notice to all AmCare members, subscribers, enrollees, and policyholders as soon as possible in order that replacement coverage can be obtained. Additionally efforts will be made to attempt to move the AmCare business to another viable carrier or carriers in order to permit current AmCare members, subscribers, enrollees and policyholders to elect replacement coverage where possible.

Counsel for AmCare has been advised of the filing of this motion on an emergency basis.

WHEREFORE mover prays for an order requiring AmCare to appear and show cause on an expedited basis why all certificates of coverage, subscriber agreements, member agreements and/or policies of insurance issued by AmCare should not be canceled effective at 12:00 p.m. (midnight) on September 30, 2002, and permitting the transfer of AmCare business to a viable carrier, if possible and at the discretion of the Commissioner, and for all other appropriate relief.

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To aty
9-23-02

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Respectfully Submitted,

Attorneys for J. ROBERT WOOLEY
Acting Commissioner of Insurance for the State of Louisiana

Martinez & Buser, LLC

BY: SMBuser

Sue Buser #18151
Richard W. Martinez #17040
1518 Highway 30 East
Gonzales, LA 70737
Telephone: (225) 644-6100

CERTIFICATION

I hereby certify that a copy of the above and foregoing has been served upon counsel of record by placing same in the United States mail, postage pre-paid and properly addressed, this _____ day of _____, 200_____.

SMBuser

19th JUDICIAL DISTRICT
EAST BATON ROUGE PARISH, LA
FILED

CERTIFIED TRUE COPY

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EX-106396
DEPUTY CLERK & RECORDER FOR

DEPUTY CLERK OF COURT

DOUG WELBORN

CLERK OF COURSE FOR PARISH

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19TH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NUMBER:

DIVISION:

J. ROBERT WOOLEY, AS ACTING COMMISSIONER OF INSURANCE
FOR THE STATE OF LOUISIANA
VERSUS
AMCARE HEALTH PLANS OF LOUISIANA, INC.

FILED: _____

DEPUTY CLERK

ORDER

Considering the emergency motion to cancel all certificates of coverage, subscriber agreements, member agreements and/or policies filed herein on behalf of J. Robert Wooley, Acting Commissioner of Insurance for the State of Louisiana as Rehabilitator of AmCare Health Plans of Louisiana, Inc.,

IS ORDERED that all interested parties appear and show cause on the 27 day of Sept., 2002, at 10 o'clock A.m. why the emergency motion to cancel all certificates of coverage, subscriber agreements, member agreements and/or policies and permitting the transfer of AmCare business to a viable carrier, if possible and at the discretion of the Commissioner filed herein on behalf of J. Robert Wooley, Acting Commissioner of Insurance for the State of Louisiana as Rehabilitator of AmCare Health Plans of Louisiana, Inc. should not be granted as prayed for, and for all other appropriate relief.

Date: Baton Rouge, Louisiana, this 23 day of Sept, 2002.

James Clark
JUDGE

PLEASE SERVE the motion and the memorandum in support of same, together with all attachments and this order on:

AmCare Health Plans of Louisiana, Inc.
through its attorney
Patrick D. Seiter
Adams & Reese
451 Florida Street
North Tower, 19th Floor
Baton Rouge, LA 70801

CERTIFICATION OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon counsel for AmCare Health Plans of Louisiana, Inc. by faxing a copy of same to Patrick D. Seiter at (225) 336-5220, this _____ day of _____, 2002.

Seiter

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19TH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NUMBER:

DIVISION:

J. ROBERT WOOLEY, AS ACTING COMMISSIONER OF INSURANCE
FOR THE STATE OF LOUISIANA

VERSUS

AMCARE HEALTH PLANS OF LOUISIANA, INC.

FILED: _____

DEPUTY CLERK

MEMORANDUM IN SUPPORT OF THE EMERGENCY MOTION TO
CANCEL ALL CERTIFICATES OF COVERAGE, SUBSCRIBER AGREEMENTS,
MEMBER AGREEMENTS AND/OR POLICIES AND
PERMITTING THE TRANSFER OF AMCARE BUSINESS

MAY IT PLEASE THE COURT:

A petition for rehabilitation of AmCare Health Plans of Louisiana, Inc. ("AmCare"), a Louisiana health maintenance organization, with offices in the State of Texas, was filed in this matter on September 23, 2002. The Louisiana Department of Insurance has been aware of and has attempted to facilitate efforts taken by AmCare to attempt a sale of the company and/or to transfer the business of the company to a viable carrier. To date, those efforts have not met with success. There is insufficient cash on hand to allow the company to continue to operate and to continue to incur claims of its members, enrollees, subscribers, and policyholders. Current members, enrollees, subscribers and policyholders have paid premium for the current month ending on September 30, 2002. Additional premium would be due effective on October 1, 2002. However, it is in the best interests of the members, enrollees, subscribers, policyholders, providers, and other creditors of AmCare to have the certificates of coverage, subscriber agreements, members agreements and policies of insurance canceled effective at 12:00 p.m. (midnight) on September 30, 2002 so as not to incur additional claims for the month of October and so as not to require AmCare members, enrollees, subscribers and policyholders to pay additional premium.

Further, it is in the best interests of the members, enrollees, subscribers, policyholders, providers, and other creditors of AmCare to make every effort to locate replacement coverage and transfer the AmCare business to a viable carrier, if possible and at the discretion of the Commissioner.

Because of the urgency of this situation and the extremely limited cash available, the Commissioner desires and is entitled to have this matter heard on an expedited basis and to have an

order granting the requested relief.

Counsel for AmCare has been advised of the filing of this motion and every effort will be made to coordinate an expedited hearing with counsel for AmCare.

For all these reasons, the Commissioner prays that an expedited hearing be granted to consider the relief sought, and that thereafter this motion be granted and an order issue herein canceling any and all AmCare certificates of coverage, subscriber agreements, member agreements and policies of insurance effective as of 12:00 p.m. (midnight) on September 30, 2002, and permitting the transfer of AmCare business to a viable carrier, if possible and at the discretion of the Commissioner, and for all other appropriate relief.

Respectfully Submitted,

Attorneys for J. ROBERT WOOLEY
Acting Commissioner of Insurance for the State of Louisiana

Martinez & Buser, LLC

BY: SMBuser

Sue Buser #18151
Richard W. Martinez #17040
1518 Highway 30 East
Gonzales, LA 70737
Telephone: (225) 644-6100

CERTIFICATION

I hereby certify that a copy of the above and foregoing has been served upon counsel of record by placing same in the United States mail, postage pre-paid and properly addressed, this day of _____, 200__.

SMBuser

CERTIFIED TRUE COPY
10-8-98
DEPUTY CLERK OF COURT
19th JUDICIAL DISTRICT
EAST BATON ROUGE PARISH, LA
FILED
2002 SEP 23 AM 9:47
BY [Signature]
DEPUTY CLERK OF COURT FOR
DOUG WELBORN
CLERK OF COURT E.P.P. PARISH